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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,935	11/05/2001	Yoshitsugu Taki	7217/65951	9177

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EXAMINER

CHEN, TIANJIE

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/992,935	<b>Applicant(s)</b> TAKI ET AL.	
	<b>Examiner</b> Tianjie Chen	<b>Art Unit</b> 2652	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Non-Final Rejection***

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Election/Restrictions***

2. Applicant's election without traverse of claims 9-15 and cancellation of claims 1-8, 16 and 17 in the reply filed on 06/29/2004 is acknowledged.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Horie (US 5,640,288).

Claim 9: Horie shows a basic unit, including: an inherent housing; recording and playback means (Column 3, line 31) provided in the housing for one of recording data to a recording medium and playing data from the recording medium; accommodation means (Column 1, lines 46-51) provided the housing for accommodating the recording medium; feeding means (Column 3, lines 30-34) provided in the housing for feeding the recording medium between the accommodation means and the recording and playback means; and guide means 70 m(Column 19,

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line 4) provided. in the housing for guiding a movement of the feeding means, wherein the accommodation means includes a rotatable member mounted for rotation around an axis, and a plurality of accommodation sections disposed on an outer periphery of the rotatable member (Fig. 5, column 1, lines 64-67) for accommodating the recording medium; and the housing has an opening in an opposing relationship at least one of the plurality of accommodation sections for allowing the recording medium to be one of inserted into and taken out from the one of the plurality of accommodation sections (Column 2, lines 44-46).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horie in view of White (US 6,473,371).

Claim 10: Horie shows a control circuit section (Column 16, line 16) connected to the accommodation means, the recording and playback means, and the feeding means for controlling the accommodation means, the recording and playback means, and the feeding means (Column 2, line 59 to column 3, line 17, and column 16, lines 16-21); the feeding means is positioned within the basic unit the control circuit section controls a position and an operation the feeding means with reference to a position reference point provided in the basic unit as described above.

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Horie does not show at least one expansion unit is connected to the basic unit.

White shows at least one expansion unit 122 (Fig. 1) is connected to the basic unit 120; and when the feeding means is within the expansion unit the control circuit section controls the position and the operation of the feeding means with reference to a position reference point provided in the expansion unit (Column 9, lines 41-50)

It would have been obvious at the time the invention was made to one of ordinary skill in the art to use the stacked configuration taught by White in Horie's device. The rationale is as follows: Horie's goal is to provide an apparatus, which can effectively accommodating a large number of cartridges. White teaches that the media handling device (including Horie's device) is integral to the autochanger, it is generally not readily for replaceable and repairable. Therefore, the autochanger will be rendered inoperative from the time of failure occurred until a technician is able to arrive at the autochanger, take the autochanger apart, and replace the media handling device. For White's device, an operator may replace the removable module, which in turn replaces the media handling device, without disassembling the autochanger (Column 2, lines 22-25 and 55-57). One of ordinary skill in the art would have been motivated to do the replacement thus being easy for maintenance.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horie in view of White as applied to claim 10 above, and further in view of Kersey et al (US 5,870,245).

Claim 11: Horie and White show a device as described above, but fails to show a power supply to the basic unit is available after at least one expansion unit is coupled to the basic unit the control circuit section performs an initialization process of

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detecting and storing the position reference point of the basic unit and the position reference point of the expansion unit (Column 7, lines 42-49).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to add the determining mechanism taught by Kersey et al into Horie and White's device. The rationale is as follows: Horie and White do not teach a mechanism to determine positions. However, determining positions is a must function in the device for handling the recording media. One of ordinary skill in the art would have been motivated to add the position determining mechanism taught by Kersey et al thus able to determine the positions.

Claim 12; Kersey et al further shows the mechanism can determine the presence of the module, which would inherently result to a number of the expansion units coupled to the basic unit (Column 7, lines 46-48).

### ***Allowable Subject Matter***

6. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- With regard to claim 13, as the closest reference, the combination of Horie (US 5,640,288) and Kersey et al (US 5,870,245) shows a flat cable for interconnecting the control circuit section and the feeding means of the basic unit, wherein the flat cable includes a plurality of conductors extending in parallel and joined with an insulating material form an elongated belt; the flat cable being folded at a substantially central portion in a longitudinal direction of the flat cable; **but fails to show** that the flat cable being held at a portion in

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proximity to the folded portion by a fold-holding member such that an angle of opposite end portions of the flat cable with respect to the folded portion is variable corresponding to a distance between the control circuit section and the feeding means of the basic unit.

- Applicant asserts that the fold-holding member would allow the cable not acted upon by a stress as may cause disconnection of the wires (Specification, p. 36, lines 14-16).

### **Conclusion**

7. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is (703) 305-7499. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Chen Trampe 10/18/2004*  
TIANJIE CHEN  
PRIMARY EXAMINER